

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF  
AUGUST 26, 2020**

**FILE NO: ZA-2020-0006**

**AGENDA ITEM: E.9**

**STAFF CONTACT:** Lee Plemel, AICP, Community Development Director

**AGENDA TITLE:** For Possible Action: Discussion and possible action regarding recommendations to the Board of Supervisors concerning an ordinance related to hemp cultivation, amending Title 18 (Zoning), Chapter 18.03 (Definitions) to amend definitions related to hemp; amending Chapter 18.04 (Use Districts) to establish in which zoning districts hemp cultivation is permitted as a primary or conditional use; and amending Title 18 Appendix (Development Standards), Division 1 (Land Use and Site Design) to add Section 1.21 (Hemp Cultivation) to establish development standards for hemp cultivation.

**STAFF SUMMARY:** The Board of Supervisors adopted a moratorium on the cultivation of hemp on May 7, 2020, in order to give City time to develop appropriate regulations for such operations, including location and operational standards. Federal and Nevada laws allow the cultivation of hemp and manufacturing of certain products from hemp. Though similar in appearance, hemp has different characteristics than cannabis (marijuana) and is regulated separately from cannabis. The purpose of this item is to develop regulations related to the cultivation of hemp.

**PROPOSED MOTION:** "I move to recommend to the Board of Supervisors approval of an ordinance related to hemp cultivation."

**DISCUSSION:**

The growing and processing of hemp is regulated by the State through the provisions of NRS Chapter 557 (Hemp). Unless otherwise regulated by a local government, hemp is considered an agricultural product for the purposes of local zoning regulations. Under current City zoning regulations, hemp may be cultivated (grown) anywhere other agricultural products may be grown.

The Planning Commission discussed possible hemp regulations at its meeting on June 24, 2020. While no consensus was reached on whether hemp should be allowed to be grown out in the open in the Agricultural zoning district, there was general consensus that it should be allowed within industrial zoning districts with similar regulations to marijuana cultivation. Based on the Planning Commission's prior discussion, the following hemp cultivation regulations are presented for the Planning Commission's consideration:

The following definitions are proposed to be added or modified in CCMC 18.03.010 (Words and terms defined):

*"Hemp" means any plant of the genus Cannabis sativa L. and any part of such a plant, including, without limitation, the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp.*

*"Hemp cultivation facilities" means the growing of hemp plants and the handling of live and harvested hemp plant material until the plant material is dried.*

*"Marijuana" has the meaning ascribed to it in subsection 8 of NRS 453D.030 and means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:*

- 1. The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems except the resin extracted therefrom, fiber, oil or cake, the sterilized seed of the plant which is incapable of germination; or*
- 2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.*
- 3. "Hemp" as otherwise defined in title 18 or NRS.*

Hemp is proposed to be a primary permitted use (no Special Use Permit required) in the following zoning districts:

- Limited Industrial
- General Industrial\*
- General Industrial Airport\*
- Agriculture

\* Note: In the draft ordinance, "hemp cultivation facility" is added as a primary permitted use in the Limited Industrial (LI) zoning and it then carries forward as a permitted use in the General Industrial (GI) and General Industrial Airport (GIA) zoning districts—i.e. all uses permitted in the LI zoning district are permitted in the GI and GIA districts unless otherwise specified in the GI and GIA districts.

The following standards are proposed to be added to the Title 18 Appendix, Development Standards:

#### 1.21 - Hemp Cultivation Facilities.

These standards are intended to establish minimum standards for Hemp Cultivation Facilities in non-Agriculture zoning districts, in addition to other required standards for commercial and industrial development. The following standards shall apply to all Hemp Cultivation Facilities located in a non-Agriculture zoning district.

1. All business activities related to a Hemp Cultivation Facility must be conducted indoors and within a permanent building. A Hemp Cultivation Facility must maintain an exterior appearance that is professional, orderly, dignified and consistent with the traditional style of manufacturing facilities in compliance with applicable development standards for architecture.
2. The outdoor display or sale of a Hemp Cultivation Facility's merchandise or product is prohibited. Merchandise and products must not be visible when viewed from outside the building in which the Hemp Cultivation Facility is located.
3. Accessory outside storage for a Hemp Cultivation Facility must comply with the provisions of Title 18 Appendix (Carson City Development Standards), Division 1.12 (Outside Storage).
4. Notwithstanding other provisions of title 18, off-street parking must be provided for a Hemp Cultivation Facility in accordance with the following:
  - a. A minimum of one space for every 1,000 square feet of gross floor area; and
  - b. For any area used for Hemp Product Manufacturing, one space for every 500 square feet of gross floor area.

5. The Hemp Cultivation Facility must contain odor control measures so that odors from the hemp plant are not detected from the adjacent property or right-of-way.

Attachment A is the draft ordinance that represents the above code amendments. The Planning Commission may consider other recommendations or modifications to the proposed amendments. Alternatives that have been discussed previously by the Planning Commission include:

1. Prohibiting hemp cultivation in the Agriculture zoning district.
2. Permitting hemp cultivation in the Conservation Reserve zoning district.
3. Requiring a Special Use Permit for hemp cultivation in industrial zoning districts.

While hemp and marijuana are regulated as separate products by the State, the plants share many characteristics including potentially strong odors. In initiating and adopting the moratorium that is currently in place for hemp cultivation, the primarily concerns regarding where hemp cultivation should be allowed were 1) odors from the crop, and 2) the appearance and “attractive nuisance” to humans and animals having the open hemp crops in close proximity to the public.

Hemp plants emit the same odors as marijuana plants. State regulations require marijuana growers to control odors when grown within industrial buildings, as it is grown in Carson City. Staff is recommending that the proposed hemp regulations contain provisions for odor control on industrial properties as is required for marijuana cultivation facilities.

The second issue relates to potential conflicts that could arise from the growing of hemp in the open and in proximity to residential neighborhoods and public spaces. Since the average person cannot distinguish between hemp and marijuana plants, hemp crops are susceptible to theft and an attractive nuisance for some who think the crop is marijuana. Also, the plant can be toxic to animals, including wild animals and pets. The agricultural areas in Carson City where hemp crops could be grown are close to residential neighborhoods, public trails, and generally within the urbanized area of the City.

On the other hand, as discussed by some members of the Planning Commission previously, odors and other impacts to adjacent properties can typically be expected from agricultural uses, including the growing and harvesting of certain crops or the raising of livestock. Residents in proximity to agricultural properties can expect to experience some impacts from operations on occasion.

As noted previously with the hemp cultivation moratorium, staff does not believe that product manufacturing from hemp materials warrants special zoning standards. Once the hemp plant is dried, its characteristics are similar to any other spice or dried plant-based materials, and its odors are minimal. Current zoning regulations allow for the processing of such materials in appropriate areas. Hemp material delivered to hemp handlers has been tested for THC content by the Department of Agriculture, so businesses can verify to law enforcement or other regulating agencies that they are not handling marijuana products that they would otherwise not be permitted to process. Therefore, no additional regulations regarding product manufacturing from hemp are proposed.

Attachment B shows the various locations throughout the City where Agriculture and industrial zoning districts are generally located.

If you have questions regarding this item, contact Lee Plemel at [lplemel@carson.org](mailto:lplemel@carson.org) or 283-7075.

Attachments:

- A) Draft ordinance
- B) Maps of permitted areas for agricultural uses and marijuana establishments

Summary: An ordinance related to hemp, adding zoning provisions and development standards for the regulation of hemp cultivation.

BILL NO. \_\_\_\_\_

ORDINANCE NO. 2020 - \_\_\_\_\_

AN ORDINANCE RELATING TO HEMP; AMENDING THE CARSON CITY MUNIPAL CODE, TITLE 18 (ZONING), CHAPTER 18.03 (DEFINITIONS) TO AMEND DEFINITIONS RELATED TO HEMP CULTIVATION; AMENDING TITLE 18, CHAPTER 18.04 (USE DISTRICTS), SECTIONS 18.04.145 (LIMITED INDUSTRIAL) AND 18.04.160 (AGRICULTURE) TO ESTABLISH IN WHICH ZONING DISTRICTS HEMP CULTIVATION IS PERMITTED AS A PRIMARY OR CONDITIONAL USE; AND AMENDING TITLE 18 APPENDIX (CARSON CITY DEVELOPMENT STANDARDS), DIVISION 1 (LAND USE AND SITE DESIGN), TO ADD SECTION 1.21 (HEMP CULTIVATION) TO ESTABLISH DEVELOPMENT STANDARDS FOR HEMP CULTIVATION; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 18 (Zoning), Chapter 18.03 (Definitions), Section 18.010 (Words and terms defined), is hereby amended to add a definition for “hemp cultivation” as follows (**bold underlined** text is added):

**18.03.010 Words and terms defined.**

**“Hemp” means any plant of the genus Cannabis sativa L. and any part of such a plant, including, without limitation, the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp.**

**“Hemp cultivation facilities” means the growing of hemp plants and the handling of live and harvested hemp plant material until the plant material is dried.**

“Marijuana” has the meaning ascribed to it in subsection 8 of NRS 453D.030 and means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

1. The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems except the resin extracted therefrom, fiber, oil or cake, the sterilized seed of the plant which is incapable of germination; or

2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

- 3. “Hemp” as otherwise defined in title 18 or NRS.**

[Note: The complete definitions of Chapter 18.03 are not included in this draft review copy of the ordinance.]

## SECTION II:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), Section 18.04.145 (Limited industrial), is hereby amended to establish “hemp cultivation facilities” as a primary permitted use, as follows (**bold underlined** text is added):

### **8.04.145 - Limited industrial (LI).**

The LI District is established to preserve an industrial district restricted to a use engaged in the assembly or manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Temporary unscreened outdoor display and sale of merchandise for a period not to exceed 30 days within a calendar year may be authorized by the Director pursuant to subsection 8 of CCMC 18.02.115, which establishes provisions relating to outdoor sales and activities. Unless a use is specifically set forth in this section, uses listed in the General Industrial district are prohibited in the LI District.

1. The Primary Permitted Uses in the LI District are the uses set forth below and other uses of a similar nature. Except for residential uses, all general commercial uses as described in CCMC 18.04.135 that are not listed as LI conditional uses are allowed.

Residential uses are not permitted or conditionally permitted in the LI zone. A watchman's quarters is permitted pursuant to the requirements of this title in conjunction with a primary permitted use.

Assembly, fabricating and manufacturing of products and materials in accordance with the purpose of this section;

Bottling plant/brewery facility;

Grinding and sharpening of tools;

#### **Hemp cultivation facility.**

2. The Accessory Permitted Uses, incidental to Primary Permitted Uses, in the LI District are:

Machine shop (limited to in house products or internal use);

Outside storage (subject to Division 1 and 1.12 Outside Storage of the Development Standards);

Storage containers (subject to the Director's approval and Division 1 and 1.10 Personal Storage of the Development Standards);

Temporary Outdoor Sales and Activities (subject to Title 18.02.115.8 Outdoor Sales and Activities).

3. The Conditional Uses in the LI District which require approval of a Special Use Permit are:

Auto body repair, painting, towing (vehicles must be stored within enclosed sight obscured area);

Child care facility;

Flea market (indoor only);

Golf course and/or driving range;

Government facilities;

Loading space(s) within two hundred fifty (250) feet of a residential zoning district or use;

Metallurgical lab;

Municipal well facility;

Outside storage (as a primary permitted use) subject to Division 1 and 1.12 Outside Storage of the Development Standards;

Permanent outdoor sales subject to Title 18.02.115.8 (Outdoor Sales and Activities);

Storage business (outside storage within enclosed sight obscured area);

Utility substation;

Welding supplies and gases (retail and wholesale sales).

4. The following uses are prohibited within the LI District:

Marijuana Establishments;

Medical Marijuana Establishments;

Residential uses (except watchman's quarters as described in 18.04.145.1).

Schools (except vocational), K—12, college or university.

### SECTION III:

That Title 18 (Zoning), Chapter 18.04 (Use Districts), Section 18.04.160 (Agriculture), is hereby amended to establish “hemp cultivation facilities” as a primary permitted use, as follows (**bold underlined** text is added):

#### **18.04.160 - Agriculture (A).**

The purpose of the A district is to identify those lands that are used for cattle raising or agricultural purposes.

1. The primary permitted uses in the A district are:

Accessory farm structure;

Agricultural use;

Barn or stable;

Animals and fowl;

Crop production (commercial);

Flood control facility;

**Hemp cultivation facility:**

Livestock raising;

Park;

Residential (limited to 1 dwelling per 20 acres or larger);  
Winery.

2. The accessory permitted uses incidental to primary permitted and conditional uses in the A district are:

Accessory structure;  
Domestic and agricultural well;  
Guest building;  
Watchman's quarters.

3. The conditional uses in the A district which require approval of a special use permit are:

Agricultural services;  
Animal boarding facility;  
Child care facility;  
Church;  
Municipal well facility;  
Oil, gas or geothermal drilling operation;  
Outdoor recreational facility (public or private);  
Ranch and farm hand living quarters/bunkhouses including seasonal housing;  
Recreational vehicle park  
Utility substation.

#### SECTION IV:

That Title 18 Appendix (Carson City Development Standards), Division 1 (Land Use and Site Design), Section 1.21 (Hemp Cultivation Facilities), is hereby added as follows:

##### **1.21 - Hemp Cultivation Facilities.**

**These standards are intended to establish minimum standards for Hemp Cultivation Facilities in non-Agriculture zoning districts, in addition to other required standards for commercial and industrial development. The following standards shall apply to all Hemp Cultivation Facilities located in a non-Agriculture zoning district.**

**1. All business activities related to a Hemp Cultivation Facility must be conducted indoors and within a permanent building. A Hemp Cultivation Facility must maintain an exterior appearance that is professional, orderly, dignified and consistent with the traditional style of manufacturing facilities in compliance with applicable development standards for architecture.**

**2. The outdoor display or sale of a Hemp Cultivation Facility's merchandise or product is prohibited. Merchandise and products must not be visible when viewed from outside the building in which the Hemp Cultivation Facility is located.**

**3. Accessory outside storage for a Hemp Cultivation Facility must comply with the provisions of Title 18 Appendix (Carson City Development Standards), Division 1.12 (Outside Storage).**

**4. Notwithstanding other provisions of title 18, off-street parking must be provided for a Hemp Cultivation Facility in accordance with the following:**

**a. A minimum of one space for every 1,000 square feet of gross floor area; and**

**b. For any area used for Hemp Product Manufacturing, on space for every 500 square feet of gross floor area.**

**5. The Hemp Cultivation Facility must contain odor control measures so that odors from the hemp plant are not detected from the adjacent property or right-of-way.**

**SECTION V:**

That no other provisions of Title 18 of the Carson City Municipal Code are affected by this ordinance.

**SECTION III:**

This ordinance becomes effective on \_\_\_\_\_, 2020.

PROPOSED on \_\_\_\_\_, 2020.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2020.

VOTE:

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

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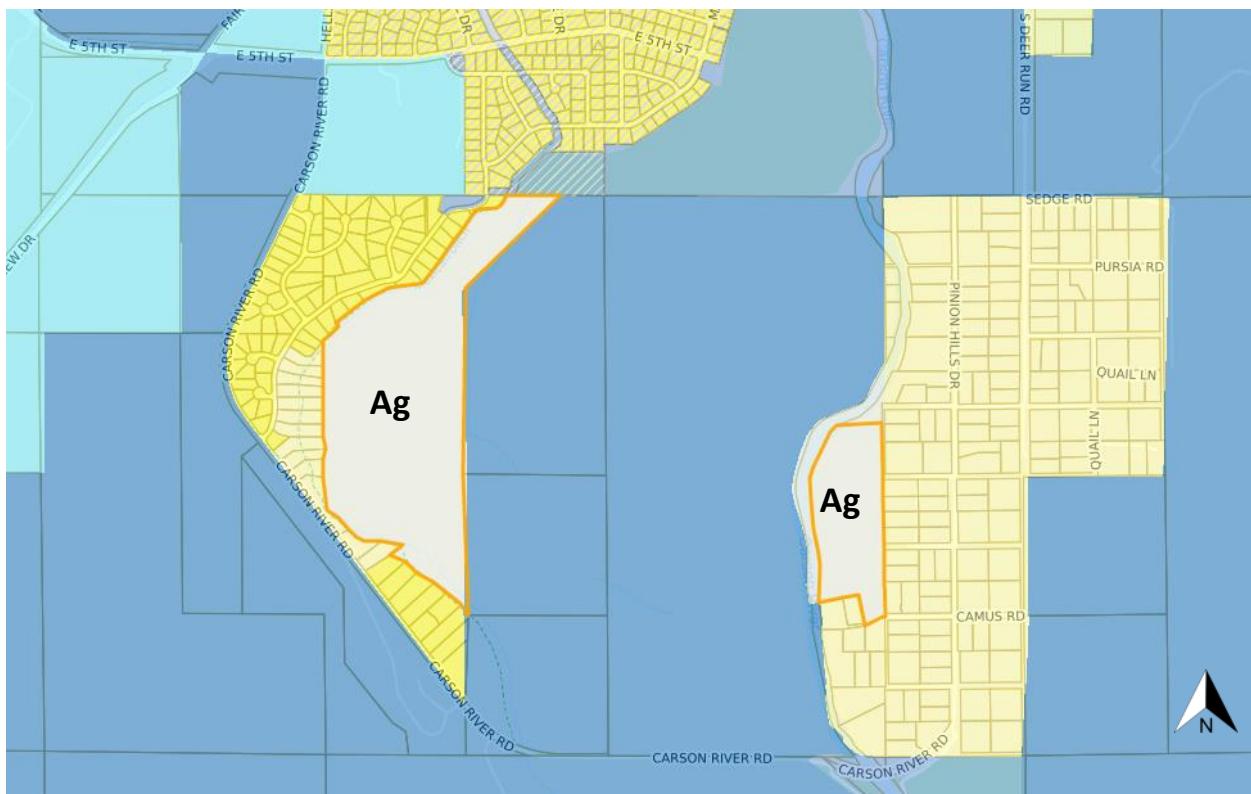
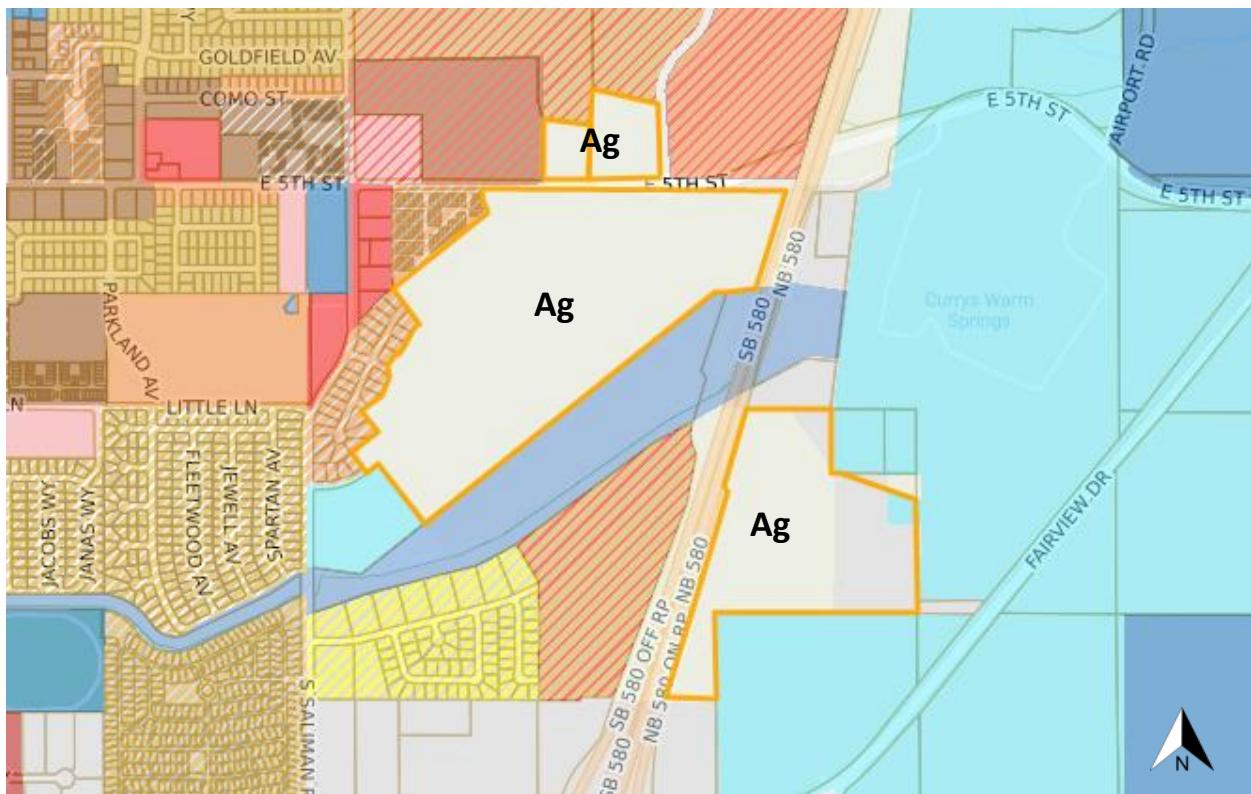
ROBERT L. CROWELL, Mayor

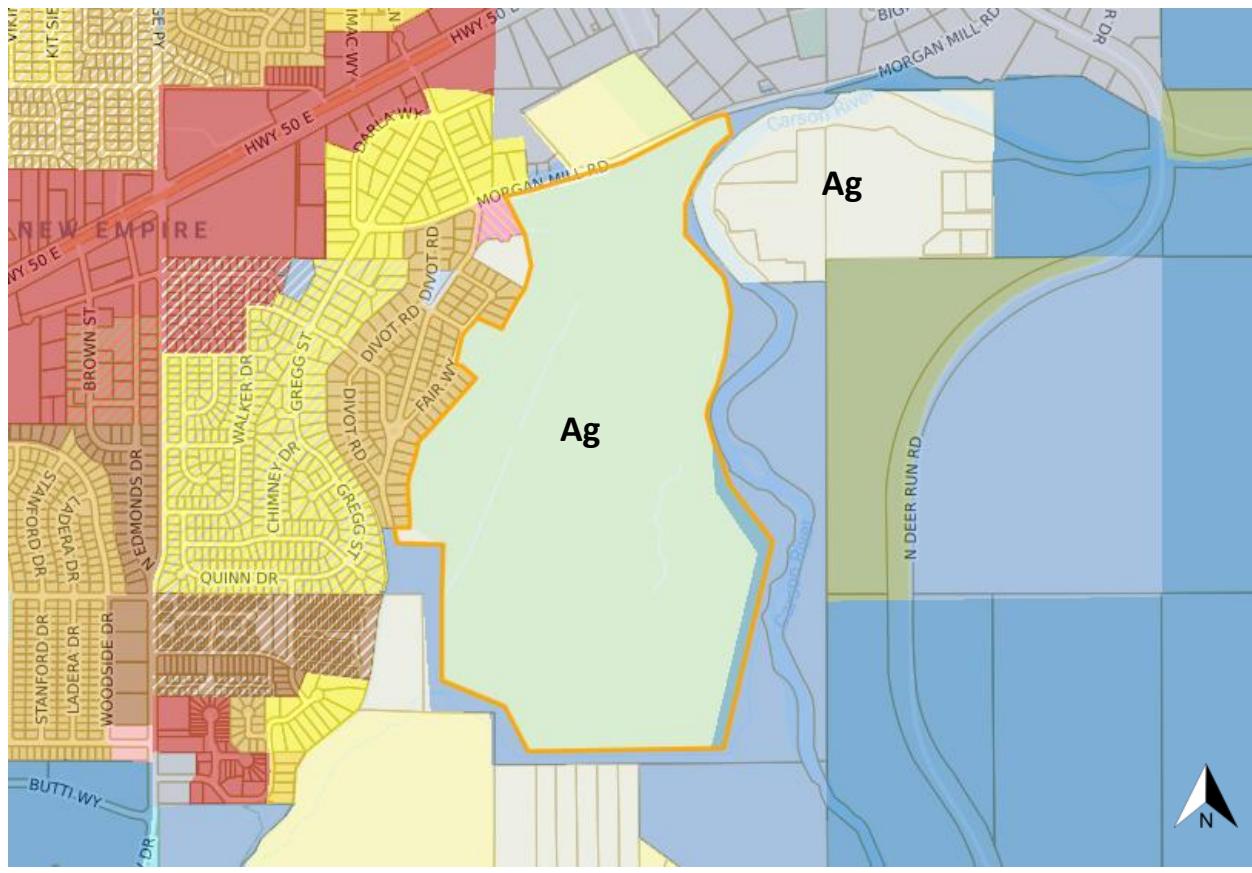
ATTEST:

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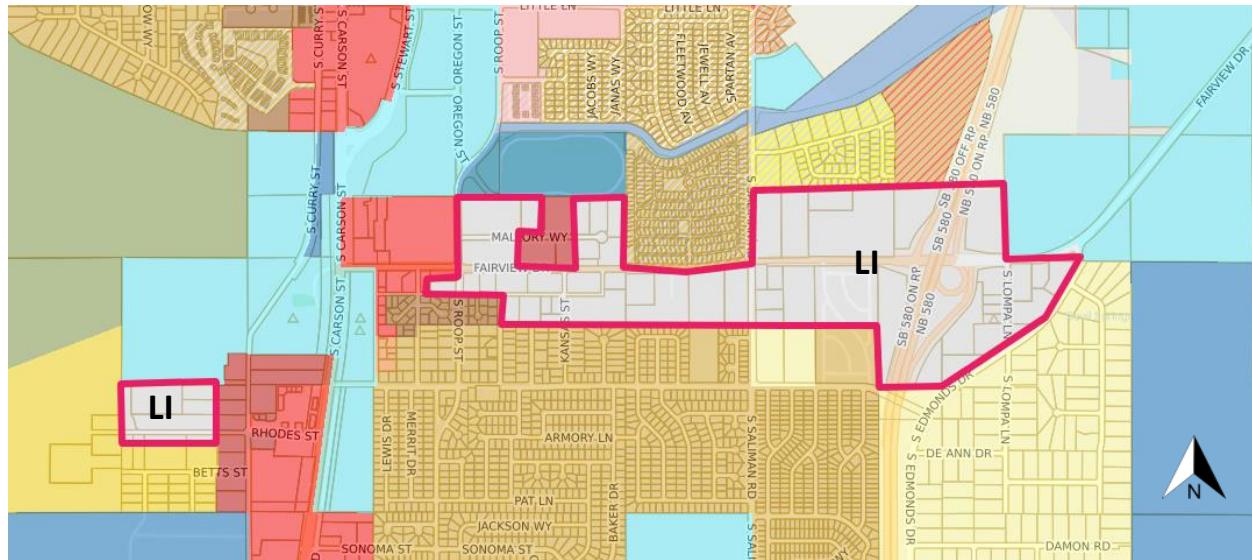
AUBREY ROWLATT, Clerk-Recorder

**Agriculture zoning district locations:**

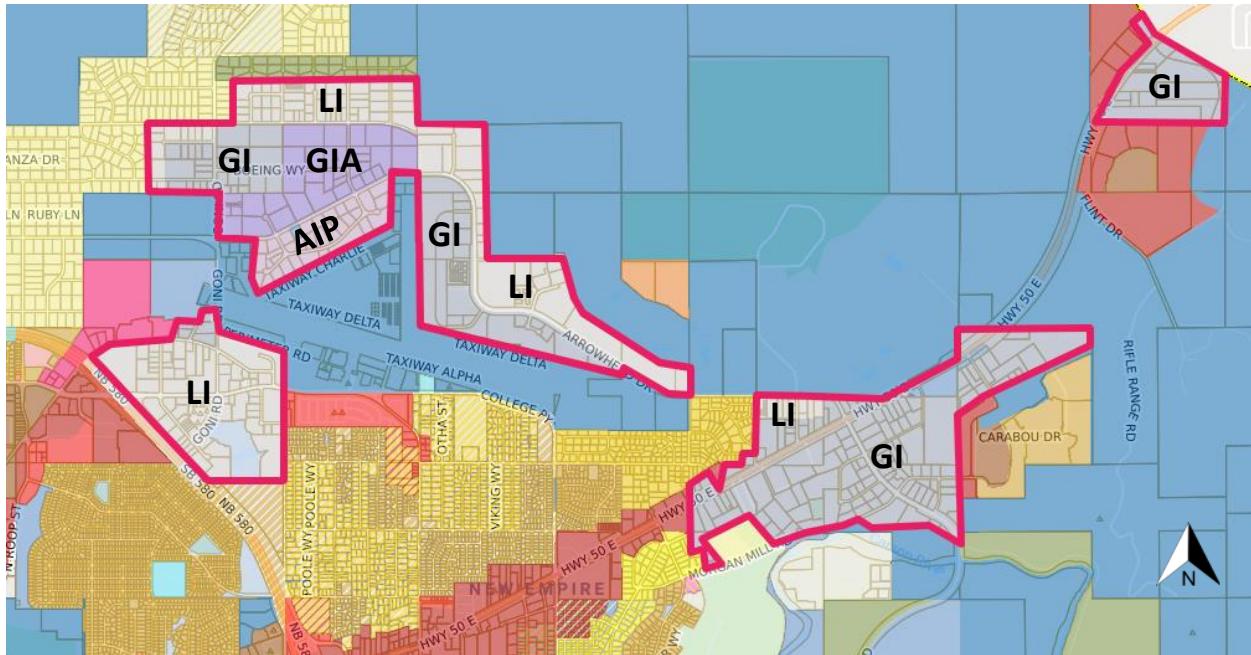




### Industrial zoning district locations:



**Industrial zoning district locations:**



**Industrial areas in which Marijuana Cultivation is allowed as a conditional use under current zoning regulations:**

